

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

\$26,226.00 IN U.S. CURRENCY,

Defendant.

CIVIL NO. 19-

VERIFIED COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico and Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief Civil Division, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Sections 841(a)(1), 881(a)(6), and Title 18, United States Code, Sections 1956(a)(1)(B)(i), and 1957(a).

DEFENDANT IN REM

2. The defendant currency seized by an officer of the Drug Enforcement Administration (“DEA”), consists of \$26,226.00 in U.S. currency.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28 United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 21, United States Code, Sections 841(a)(1), 881(a)(6), and Title 18, United States Code, Sections 1956(a)(1) (B)(i), and 1957(a).
4. This Court has in rem jurisdiction over the defendant currency pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant currency is found in this district).
5. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant currency is found in this district).

BASIS FOR FORFEITURE

6. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Section 841 (Unlawful acts) and 881(a)(6) (all moneys, negotiable, instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter), and Title 18, United States Code, Sections 1956 (Laundering of monetary instruments), and 1957 (Engaging in monetary transactions in property derived from specified unlawful activity).

FACTS

7. The facts and circumstances supporting the seizure and forfeiture of the defendant currency are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the Drug Enforcement Administration (“DEA”), Task Force Officer, Francisco Javier Lebrón-De Alba attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant currency be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant currency condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 24th day of January, 2019.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

s/Héctor E. Ramírez-Carbo

Héctor E. Ramírez-Carbo

Assistant U.S. Attorney

Chief Civil Division

USDC-PR-NO. 214902

UNITED STATES ATTORNEY’S OFFICE

Torre Chardón, Suite 1201

350 Carlos Chardón Street

San Juan, Puerto Rico 00918

Phone Number: (787)766-5656

Hector.E.Ramirez@usdoj.gov

VERIFIED DECLARATION

I, Héctor E. Ramírez-Carbó, Assistant U.S. Attorney, Chief Civil Division for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the Drug Enforcement Administration ("DEA"); that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 24th day of January, 2019.

s/Héctor E. Ramírez-Carbó

Héctor E. Ramírez-Carbo
Assistant U.S. Attorney
Chief Civil Division

VERIFIED DECLARATION

I, Francisco Javier Lebrón-De Alba, Task Force Officer (TFO), DEA, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 24th day of January, 2019.

s/Francisco Javier Lebrón-De Alba

Francisco Javier Lebrón-De Alba, TFO
Drug Enforcement Administration ("DEA")

UNSWORN DECLARATION
IN SUPPORT OF FORFEITURE COMPLAINT

INTRODUCTION

Pursuant to Title 28, United States Code, Section 1746, I, Francisco Javier Lebron-De Alba, Task Force Officer (TFO), of the United States Department of Justice, Drug Enforcement Administration, declare under penalty of perjury that the foregoing is true and correct:

I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7). I am, therefore, an officer who is empowered to conduct criminal investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section, 2516.

I have been a Task Force Officer with the Drug Enforcement Administration for over six years. As a Task Force Officer, I have been sworn to enforce the laws of Title 21, United States Code, and related offenses under Title 18, United States Code. I have received different trainings with DEA in different States during the past six years. In addition, I have served 23 years with the Puerto Rico Police Department. I am currently assigned to the Airport Investigations and Tactical Team (AirTAT) Caribbean Division, San Juan, PR Office.

During my law enforcement career, I have received detailed instruction in and conducted various complex conspiratorial investigations concerning the unlawful importation and distribution of controlled substances; the laundering and concealment of drug proceeds; and the illegal use of communication facilities by drug traffickers in furtherance of their criminal activities.

PROPERTY TO BE FORFEITED

\$26,226.00 IN U.S. CURRENCY

BASIS FOR FACTS CONTAINED IN THIS UNSWORN DECLARATION

I make this unsworn declaration, on information and belief derived from the following source:

1. On September 6, 2018, Drug Enforcement Administration (DEA) Caribbean Division (CD) Airport Investigations and Tactical Team (AirTAT) Agents (hereinafter Agents) were conducting routine interdictions at the Luis Munoz Marin International Airport (LMMIA) located in Carolina, Puerto Rico (PR).
2. On the same date, while checking the JetBlue Inbound Flight 1233 from Orlando, Florida (FL) to San Juan, Puerto Rico, AirTAT Agents Task Force Officers (TFO) Carlos J. Gonzalez-Sotomayor and Hector Tapia began a consensual encounter with Hector Luis JIMENEZ-Rodriguez, and identified themselves as law enforcement officers.
3. TFO Gonzalez proceeded to ask if he was transporting any contraband to include explosives, firearms, knives, controlled substances, prescribed medication or large amounts of United States Currency (USC). JIMENEZ-Rodriguez answered no to all the questions made by TFO Gonzalez. TFO Gonzalez asked JIMENEZ-Rodriguez if he consented to a dog sniff of his black hand bag registered under his name and a male purse that he was carrying, JIMENEZ-Rodriguez consented. JIMENEZ-Rodriguez told agents that they could check his black hand bag if they wanted to. JIMENEZ-Rodriguez told agents that he did not have anything illegal in his black hand bag.

4. Prior to Agents checking JIMENEZ-Rodriguez's black bag, a Puerto Rico Police Department (PRPD) canine (K-9) "BLUE", handled by PRPD Agent Maldonado was passed around JIMENEZ-Rodriguez's black hand bag. K-9 Blue alerted positive to odor of narcotics emanating from JIMENEZ-Rodriguez's black hand bag. TFO Gonzalez asked JIMENEZ-Rodriguez if he consented to a search of his black hand bag. JIMENEZ-Rodriguez gave verbal consent TFO Gonzalez, as witnessed by TFO Tapia, to search his Black Hand bag. In addition, the K-9 alerted on the money itself.

5. On the same date TFO Gonzalez, proceeded to search JIMENEZ-Rodriguez's black hand bag and encountered a large sum of United States Currency concealed inside of the pockets of a pair of black jean pants inside of JIMENEZ-Rodriguez's black hand bag. TFO Gonzalez also checked JIMENEZ-Rodriguez's black male purse and found \$800.00 in USC. TFO Gonzalez immediately asked JIMENEZ-Rodriguez how much money was concealed in his black hand bag. JIMENEZ-Rodriguez responded that he did not know and suddenly stated approximately \$1,000.00 USC and \$800.00 in USC in the male purse. TFO Gonzalez asked JIMENEZ-Rodriguez if he would accompany him to a secure location for further questions. JIMENEZ-Rodriguez agreed to accompany Agents. TFO Gonzalez informed JIMENEZ-Rodriguez that he was not under arrest and could leave whenever he wanted to.

6. Agents asked JIMENEZ-Rodriguez where he was coming from. JIMENEZ-Rodriguez stated he was coming from Orlando, FL. Agents then asked JIMENEZ-Rodriguez where he resided. JIMENEZ-Rodriguez stated that he lived in Davenport, FL. Agents asked JIMENEZ-Rodriguez how long he would be staying in Puerto Rico. JIMENEZ-Rodriguez stated he would be staying a few days, possibly for three (3)

days. Agents asked JIMENEZ-Rodriguez what his purpose was for visiting Puerto Rico. JIMENEZ-Rodriguez stated that he was in Puerto Rico to visit maybe friends and family. Agents asked JIMENEZ-Rodriguez where he would be staying in Puerto Rico. JIMENEZ-Rodriguez stated that he would maybe stay in his family's house, but he did not know for sure. TFO Lebron-De Alba asked JIMENEZ-Rodriguez when he bought the boarding pass. JIMENEZ-Rodriguez stated that he bought it the day before traveling; with a Bank of America card and paid \$201.00 in USC JIMENEZ-Rodriguez stated to the agents that he is a warehouse's employee for Walmart Company. TFO Lebron-De Alba asked JIMENEZ-Rodriguez if he had the boarding pass transaction receipt with him or elsewhere. JIMENEZ-Rodriguez stated that he did not have the transaction receipt.

7. TFO Lebron-De Alba asked JIMENEZ-Rodriguez when he would be departing Puerto Rico. JIMENEZ-Rodriguez stated that he was going to stay for three (3) days. TFO Lebron-De Alba asked JIMENEZ-Rodriguez where the money originated from. JIMENEZ-Rodriguez stated that he had been saving for the last two (2) years and had been taking the money little by little from the bank. TFO Lebron-De Alba asked JIMENEZ-Rodriguez if he could provide any documentation of the mentioned transactions and JIMENEZ-Rodriguez said no. Then JIMENEZ-Rodriguez changed his story again and stated that he wanted the money to buy a car in Puerto Rico and transport it to the US, so he could sell it there. TFO Lebron-De Alba asked JIMENEZ-Rodriguez what kind of car he was going to buy. JIMENEZ-Rodriguez stated that he did not know what kind of car, make, model, year or color he would buy. TFO Lebron-De Alba asked JIMENEZ-Rodriguez again, how much money he had in total between the black hand bag and the male purse. This time JIMENEZ-Rodriguez stated that he

had between \$15,000.00 and 25,000.00 in USC, but he did not know for sure. TFO Lebron-De Alba asked JIMENEZ-Rodriguez why he lied to them. JIMENEZ-Rodriguez stated that he did not want to lose his money and that is the reason why he lied to the agents.

8. TFO Lebron-De Alba asked JIMENEZ-Rodriguez if he has ever had any problems with the law. JIMENEZ-Rodriguez stated that he was arrested in Florida. TFO Lebron-De Alba asked JIMENEZ-Rodriguez what he was arrested for. JIMENEZ-Rodriguez detailed he was arrested for fleeing from the Police and resisting arrest. TFO Lebron-De Alba asked JIMENEZ-Rodriguez who he was arrested by JIMENEZ-Rodriguez stated he was arrested by the Florida Sheriff Department, but his case was dismissed.

A Criminal Records Check indicates that JIMENEZ-Rodriguez was arrested for the following felonies in Florida:

- First charge resisting officer (flee elude Law enforcement officer (LEO)).
- Moving traffic violation second degree (operate motorcycle without licenses).
- Resisting officer third degree (flee elude Law enforcement officer (LEO)).

9. On the same date, Agents seized \$26,226.00 USC from JIMENEZ-Rodriguez.

10. Agent found that JIMENEZ-Rodriguez cellphone was involved in other DEA ongoing active investigations.

This Unsworn Declaration is submitted in support of a Complaint for Forfeiture in Rem, which involves the offenses detailed in Section 881(a)(6) of Title 21, United States Code, particularly the all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation of the subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter. Therefore, I have not set forth each and every fact learned during the course of this investigation.

Based upon my training and experience, participation in other investigations, and facts concerning this investigation, I believe that sufficient probable cause exists to show that there is present material evidence of a commission of a violation of a Federal Law to wit: drug traffickers in utilizing a mail/parcel service to smuggle or transport illicit drug proceeds demonstrates probable cause to Forfeit the \$26,226.00 in U.S. Currency, violations of Title 21, United States Code, Sections 841(a)(1) , 881(a)(6) and money laundering schemes, Title 18, United States Code, Sections 1956 (a) (1) (B)(i) and 1957 (a).

Sworn and signed under penalty of perjury, pursuant to Title 28, United States Code, Section 1746, in San Juan, Puerto Rico this 24th of January, 2019.



Francisco J. Lebrón, Task Force Officer
Drug Enforcement Administration ("DEA")

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Héctor E. Ramírez-Carbó, AUSA, 350 Carlos Chardon Ave, Suite
1201, Hato Rey, PR 00918

DEFENDANTS

US v. \$26,226.00 in U.S. currency

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
 Title 21, United States Code, Sections 841(a)(1), 881(a)(6), and Title 18, United States Code, Sections 1956 (a) (1) (B)(i), and 1957 (a).

VII. REQUESTED IN COMPLAINT:

UNDER F.R.C.P. 23

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

S/ Héctor E. Ramírez-Carbó

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____


United States District Court *for the* District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

US v. \$26,226.00 in U.S. currency.

2. Category in which case belongs: (See Local Rules)

☒

ORDINARY CIVIL CASE
SOCIAL SECURITY
BANK CASE
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒

NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒

NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒

NO

(Please Print)

USDC ATTORNEY'S ID NO.

214902

ATTORNEY'S NAME:

HECTOR E. RAMIREZ-CARBO

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

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